

**Statement of
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and

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**To the
Subcommittee on Water & Power
Of the
Resources Committee
United States House of Representatives**

Presented at

**Las Vegas, Nevada
December 10, 2001 Hearing on**

Implementation of the California Plan for the Colorado River

IMPLEMENTATION OF THE CALIFORNIA PLAN FOR THE COLORADO RIVER

The Colorado River falls more than 12,000 feet as it flows from the Rocky Mountains to its outlet in the Gulf of California. The river has a huge drainage basin that covers over 244,000 square miles. The seven Colorado River Basin states (Arizona, California, Colorado, Nevada, New Mexico, Utah, Wyoming) comprise about one-twelfth of the area of the continental United States. Despite the size of the watershed, the Colorado River ranks only sixth among the nation's rivers in volume of flow, with an average annual undepleted flow in excess of 17.5 million acre-feet (MAF) (15 MAF at Lee Ferry, the compact division point). Demands on the Colorado River are not limited to needs within the basin. In fact, more water is exported from the basin than from any other river in the country. The river provides municipal and industrial water for more than 24 million people living in the major metropolitan areas of Los Angeles, Phoenix, Las Vegas, Salt Lake City, Denver, Albuquerque, and hundreds of other small communities in the seven states. It also provides irrigation water to about 2.0 million acres of land. The river has over 60 MAF of storage capacity and 4,000 megawatts of hydroelectric generating capacity. The river is often described as the most regulated river in the world. Considering the river's importance to the basin states, Native American Indian Tribes and Mexico, the agreements that have been reached to divide the river's waters must be considered of the utmost importance.

Most of the flow of the Colorado River originates high in the mountains of the Upper Basin states of Colorado, New Mexico, Utah and Wyoming. The Colorado River is an important economic, recreational, and environmental resource for the citizens of the Upper Colorado River Basin states. A significant portion of the economy the Upper Basin states revolves around and is supported by the use of the Colorado River and its tributaries for power generation, irrigation, and tourism as well as a municipal and industrial (M&I) water supply for many communities. Thus we are intimately involved and vitally concerned with the

management of the Colorado River.

The Law Of The River

Because of the critical role of water in the arid west, the Colorado River has been the subject of extensive negotiations and litigation. This has resulted in the development of a complex set of federal laws, compacts, court decisions, treaties, state laws and other agreements collectively known as "The Law of the River". The principal documents forming "The Law of the River" include:

\$ The Colorado River Compact of 1922;

\$ The Boulder Canyon Project Act of 1928;

\$ The Mexican Treaty of 1944;

\$ The Upper Colorado River Basin Compact of 1948;

\$ The Colorado River Storage Project Act of 1956

\$ The U.S. Supreme Court's *Arizona v. California* decision and decree of 1964;

\$ The Colorado River Basin Project Act of 1968;

\$ Criteria for Coordinated Long-Range Operation of Colorado River Reservoirs of 1970;

\$ Minute 242 of the International Boundary and Water Commission of 1973;

\$ The Colorado River Basin Salinity Control Act of 1974;

\$ The Grand Canyon Protection Act of 1992;

\$ Colorado River Interim Surplus Guidelines of 2001

In addition to these documents, several other federal and state laws impact the use of the river. Some are California's Self Limitation Act, the federal Endangered Species Act, National Environmental Policy Act, Clean Water Act, and the Wild and Scenic Rivers Act. Currently a key document is the yet to be completed California Colorado River Quantification Settlement Act which revises and quantifies the water use priorities in California of its Colorado River water allocation.

Interim Surplus Guidelines

One of the most important issues in the Colorado River Basin today is the increasing municipal and industrial water demands in the Lower Division states of Arizona, California, and Nevada as compared to their available water supply allocated under "The Law of the River". Unless and until the Lower Division states take the necessary steps to live within their entitlement of 7.5 MAF per year, the Upper Basin states' ability to continue to develop and use their allocations could be impaired. With the goal in mind of protecting the Upper Basin states' current and future uses of Colorado River water, Utah joined with the other six basin states in responding to a call from the Secretary of the Interior to develop a plan by which the short term needs of the Lower Division states could be met during a transition period. During this

transition period the Lower Division states, specifically California, will implement a plan to limit use of Colorado River water to the amount allowed under AThe Law of the River@. After months of intense discussions and negotiations among the seven Colorado River Basin states, a consensus plan was developed. This consensus plan resulted in the AColorado River Interim Surplus Guidelines@ (Guidelines) as adopted in the Secretary of the Interior=s Record of Decision (ROD) signed January 16, 2001.

The Guidelines allow the Secretary to provide water to meet municipal and industrial (M&I) uses in the Lower Basin, particularly in California, during an interim period 2001- 2016 (while Upper Basin states Colorado River water demands are at less than their compact allocation). Water users in California have been using approximately 5.2 MAF annually over the past 20 years, 800,000 acre-feet more each year than their basic apportionment as determined in *Arizona v. California*. Interim surplus guidelines allow California 15 years to implement conservation programs to reduce its demand for Colorado River water from 5.2 MAF to its compact allocation of 4.4 MAF. The California 4.4 Plan for the Colorado River outlines the processes California will follow to reduce uses to 4.4 million acre-feet per year. During this 15-year time frame, the basin states have agreed to give California a greater assurance that surpluses will be declared and M&I water demands will be met from reservoir storage during the transition period.

These criteria are structured in such a way as to also provide protection to the other six basin states against the potential impacts of dry hydrology in the next 15 years. This protection will reduce the allowable California M&I water demands that can be met by surpluses as the reservoirs are lowered because of drought. The Upper Colorado River Basin states support the consensus reached by the states in the Guidelines. We expect the federal government and the Secretary of the Interior to continue to follow through on the commitments of all parties including enforcement of the provisions of the Interim Surplus Guidelines if California does not meet the benchmark reduction amounts set forth in the Guidelines and the ROD. It is critically important that California make the anticipated progress in reducing its annual Colorado River water use over the next 15 years. The Upper Basin states strongly believe appropriate enforcement is critical to protecting our allocations under AThe Law of the River". It was on this basis the states agreed upon the provisions that were incorporated into the now promulgated Interim Surplus Guidelines.

California Water Use Plan for the Colorado River

Of great interest and concern to all the Colorado River Basin states is the success of the California Water 4.4 Plan for the Colorado River, which is inextricably linked to the Interim Surplus Guidelines ROD. This plan outlines the necessary steps California water users must take to meet the requirements of the Interim Surplus Guidelines ROD. The Upper Basin states have supported, and tried to facilitate through the Guidelines, California=s development of the plan to get down to 4.4 million acre-feet of annual use. We fully expect this plan to be finalized and in place by December 31, 2002 with all necessary agreements and compliance documents executed. Absent meeting the December 2002 deadline for the finalization of the California 4.4 Water Plan and associated agreements including the Quantification Settlement Agreement, we expect the Secretary of the Interior to enforce the provisions of the Interim Surplus Guidelines and the ROD for suspension of the Guidelines.

The Quantification Settlement Agreement will be the overarching agreement that will make possible the California Water 4.4 Plan for the Colorado River. While we have some concern over the conflicts the 4.4 plan has generated within California, we fully anticipate and expect the water users in California to solve their problems as the viability of the Interim Surplus Guidelines hangs in the balance. The Upper Basin states encourage Congress and federal agencies to provide support for and facilitate these agreements wherever appropriate, and if necessary, expedite any required federal review processes.

H. R. 2764 (Colorado River Quantification Settlement Facilitation Act) is a good example of this facilitation as it involves the inter-related issues of Colorado River water use in California and Salton Sea protection and restoration efforts. The Upper Basin states have contacted their congressional delegations to express support of H.R. 2764. While the Salton Sea has become an important wildlife habitat, it also should be recognized the Salton Sea is a man-made habitat dependent upon agricultural inefficiency and resultant return flow. Any water dedicated for use in the Salton Sea will have to come from existing water uses in the area, which may conflict with the transfer of agricultural water to municipal use as contemplated in the California Water Plan for the Colorado River and the ROD benchmarks established in the Interim Surplus Guidelines. Given the relationship between the Salton Sea and Colorado River water use under the California Plan, the impacts of these efforts should be carefully evaluated.

Conclusion

In conclusion, the Upper Colorado River Basin states strongly support the implementation of the California Water Plan for the Colorado River. Our support has been demonstrated in the close working relationship of all seven of the Colorado River Basin states in the development of the Interim Surplus Guidelines. The California Water Plan for the Colorado River and the Quantification Settlement Agreement are inextricably linked to the Interim Surplus Guidelines. All due diligence should be exercised by Congress, Federal Agencies, and the Colorado River Basin states to achieve the worthy goal of implementing this plan and consummating the Quantification Settlement Agreement.

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